

## DEPARTMENT OF AGRICULTURE

### THOROUGHBRED RACING COMMISSION

#### PUBLIC NOTICE

#### 1001 Thoroughbred Racing Rules and Regulations

The Thoroughbred Racing Commission proposes to amend its Regulations adopted in accordance with Title 3, Chapter 101. The purpose of the amended regulations is to amend rule 14 to add new rules 14.19.1 relating to multiple disqualifications and 14.20 relating to dead heats and rule 15 to add new rule 15.22 relating to the adoption by reference of the ARCI Veterinary Practices Rule, rule 15.23 relating to the adoption by reference of the ARCI Prohibited Practices Rule and rule 15.24 relating to the adoption by reference of the ARCI Out of Competition Testing Rule and to delete the reference to stanozolol in rule 15.17.1.1. Other regulations issued by the Thoroughbred Racing Commission are not affected by this proposal. The Thoroughbred Racing Commission is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

A copy of the proposed regulations is being published in the March 1, 2017 edition of the Delaware *Register of Regulations*. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml).

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before March 31, 2017. Written materials submitted will be available for inspection at the above address.

On or after March 31, 2017, following review of the public comment, the Thoroughbred Racing Commission will determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received.

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## THOROUGHBRED RACING COMMISSION

#### PUBLIC NOTICE

#### 1002 Delaware Jockeys' Health and Welfare Benefit Board Regulations

The Delaware Jockey's Health and Welfare Benefit Board, in accordance with 3 **Del.C.** §10103(c) has proposed changes to its rules and regulations by amending existing Rule 2.1.1, Rule 2.1.2.1, Rule 2.1.2.2 and Rule 2.2 and adding new Rule 2.1.1.3 and Rule 2.4. Other regulations issued by the Delaware Jockey's Health and Welfare Benefit Board are not affected by this proposal.

A copy of the proposed regulations is being published in the March 1, 2017 edition of the Delaware *Register of Regulations*. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml).

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Jockey's Health and Welfare Benefit Board at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 **Del.C.** §10118(a), public comments must be received on or before March 31, 2017. Written materials submitted will be available for inspection at the above address.

On or after March 31, 2017, following review of the public comment, the Delaware Jockey's Health and Welfare Benefit Board will determine whether to amend its regulations by adopting the proposed new rules.

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## DEPARTMENT OF EDUCATION

#### PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, March 16, 2017 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF LONG TERM CARE RESIDENTS PROTECTION

#### PUBLIC NOTICE

## 3220 Training and Qualifications for Nursing Assistants and Certified Nursing Assistants

The Division of Long Term Care Residents Protection (DLTCRP) is proposing a full the revision of Regulation 3220 Certified Nursing Assistants. The proposed regulations will replace the existing Regulation.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

This regulatory proposal replaces the regulations for the purpose of bringing it into compliance with current standards.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulation should submit such comments by March 31, 2017 to:

Renee Purzycki, Social Service Chief Administrator  
Office of the Director for the Division of Long Term Care Residents Protection  
Delaware Department of Health and Social Services  
3 Mill Road Suite 308  
Wilmington, DE 19806  
Email: Renee.Purzycki@state.de.us  
Fax: 302-421-7401

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### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

#### PUBLIC NOTICE

#### Medicaid Eligibility- Out of State Former Foster Youth

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan and Delaware Social Services Manual (DSSM) regarding Medicaid Coverage for Out-of-State Former Foster Youth.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to: Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, Attention: Kimberly Xavier; by email to Kimberly.xavier@state.de.us; or by fax to 302-255-4425 by March 31, 2017. Please identify in the subject line: Medicaid Coverage for Out-of-State Former Foster Youth.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

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### DIVISION OF PUBLIC HEALTH

#### PUBLIC NOTICE

#### 4461 State of Delaware Milk Code

The Division of Public Health, Department of Health and Social Services, is proposing revisions to the State of Delaware Milk Code (4461). The purpose of the amendments is to make technical corrections to bring the regulations in line with United States Department of Health and Human Services' Grade "A" Pasteurized Milk Ordinance - 2015 Revision. On March 1, 2017, DPH plans to publish as proposed the amended regulations, and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the March 1, 2017 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the DPH at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Jamie Mack by Friday, April 7, 2017, at:

Jamie Mack  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: jamie.mack@state.de.us  
Phone: (302) 744-4951

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# DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

## DIVISION OF ENERGY AND CLIMATE

### PUBLIC NOTICE

#### 2102 Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions

DNREC is proposing to repeal Regulation 2102, *Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions*, which directs when and how the Director of the Division of Energy & Climate may freeze implementation of the Renewable Portfolio Standards under 26 **Del.C.** §354(i) & (j). DNREC is proposing this action to avoid inconsistencies with Public Service Commission Regulation 3008, *Rules and Procedures to Implement the Renewable Energy Portfolio Standard*.

The Public Service Commission has recently reopened its Regulation Docket No. 56 to revise Regulation 3008, *Rules and Procedures to Implement the Renewable Energy Portfolio Standard*, pursuant to its authority under 26 **Del.C.** §362 (b). DNREC proposes to repeal Regulation 2102 to avoid inconsistencies with Public Service Commission Regulation 3008.

DNREC will hold a public hearing Wednesday, March 22, 2017 starting at 6:00 p.m. in the Public Service Commission Hearing Room, 861 Silver Lake Boulevard, Suite 100, Dover DE, 19901.

Any person who wishes to may submit written comments concerning the proposed repeal to: Thomas Noyes, Principal Planner for Utility Policy, DNREC Division of Energy & Climate, 100 W. Water Street, Suite 5, Dover, DE 19904, by fax to 302.735.3480, or by email to [thomas.noyes@state.de.us](mailto:thomas.noyes@state.de.us).

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## OFFICE OF THE SECRETARY

### PUBLIC NOTICE

#### 109 Regulations Governing the Guidelines to Evaluate Land Being Considered for Permanent Protection

As a result of amendments to the Land Protection Act, effective August 3, 2016, the Guidelines to Evaluate Land Being Considered for Permanent Protection, last updated 12/7/16, currently being used by staff to support the Open Space Program must go through notice and public hearing pursuant to 29 **Del.C.** Ch. 101.

Public hearing is scheduled for March 23, 2017 at 6:00pm in the DNREC, Richardson and Robbins Building Auditorium. Individuals may submit written comments prior to the hearing regarding the proposed changes via e-mail to [Elena.Stewart@state.de.us](mailto:Elena.Stewart@state.de.us) or via the USPS to Elena Stewart, Land Preservation Specialist, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9935. The record will remain open and comments will be accepted until April 7, 2017.

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## DEPARTMENT OF STATE

### DIVISION OF PROFESSIONAL REGULATION

#### 2500 BOARD OF PHARMACY

### PUBLIC NOTICE

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy ("Board") has proposed revisions to its rules and regulations.

A public hearing will be held on April 19, 2017 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Pharmacy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board liaison, Christine Mast, at the above address.

The proposed regulations add to subsection 1.4.1, the biennial licensure renewal requirement that all licensees must complete two hours of continuing education in 1) the distribution, dispensing or delivery of controlled substances, or 2) the detection and recognition of symptoms, patterns of behavior, or other characteristics of impairment and dependency resulting from the abusive or illegal use of controlled substances. Subsection 1.2.4 has been revised to reflect new NAPLEX requirements for taking of the examination. The list of crimes substantially related to the practice of pharmacy, set forth in Section 17.0, has been updated to include amendments to the Uniform Controlled Substances Act. Finally, subsection 5.1.7, pertaining to compounded medications for office use, has been revised to delineate standards for both human use and animal use. The proposed changes allow veterinarians to administer and dispense compounded preparations for animal patients subject to certain specified requirements designed to maintain safety and quality for the protection of the public.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be May 4, 2017, which is 15 days following the public hearing. The Board will deliberate on all of the public comment at its next regularly scheduled

meeting, at which time it will determine whether to adopt the rules and regulations as proposed or make additional changes due to the public comment.

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**DIVISION OF PROFESSIONAL REGULATION**  
**4400 DELAWARE MANUFACTURED HOME INSTALLATION BOARD**  
**PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §4416(b)(1), the Delaware Board of Manufactured Home Installation has proposed revisions to its rules and regulations. The rules pertaining to crimes substantially related to the practice of manufactured home installation are amended as well as a provision on qualifying education.

A public hearing will be held on April 10, 2017 at 9 a.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Manufactured Home Installation, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address, no later than April 25, 2017, in accordance with 29 **Del.C.** §10118(a).

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**PUBLIC SERVICE COMMISSION**  
**PUBLIC NOTICE**

**3008 Rules and Procedures to Implement the Renewable Energy Portfolio Standard (Opened August 23, 2005)**

The Delaware Public Service Commission, in compliance with the Memorandum Opinion, issued December 30, 2016, in Delaware Division of the Public Advocate v. Delaware Public Service Commission, C.A. N15A-12-002 AML, and pursuant to 26 **Del.C.** §362(b), proposes to revise its regulations for the limited purpose of complying with the Memorandum Opinion, issued December 30, 2016, in Delaware Division of the Public Advocate v. Delaware Public Service Commission, C.A. N15A-12-002 AML; that is, specifically to promulgate regulations to amend 26 Del. Admin. C. §3008-3.2.21 and related regulations as needed to specify the procedures for freezing the minimum cumulative solar photovoltaic and eligible energy resource requirements under 26 **Del.C.** §§354(i) and (j).

You can review the proposed revised Rules in the March 2017 issue of the Delaware Register of Regulations. You can also review the Order and the proposed revised Rules in the PSC's electronic filing system DelaFile at <http://delafire.delaware.gov/> and for docket # input "Reg. 56." If you wish to obtain written copies of the Order and proposed revised Rules, please contact the PSC at (302) 736-7500. Copies in excess of the first twenty pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

The Delaware Public Service Commission will hold a public hearing on the proposed regulation change on Thursday, April 6, 2017 at 1:00 p.m., during its regularly-scheduled meeting, in the Hearing Room, Cannon Building, 861 Silver Lake Blvd., First Floor, Dover, Delaware 19904.

Written comments can be filed electronically in DelaFile at <http://delafire.delaware.gov/> by filling out the Public Comment Form located under Public Links. Written comments can also be mailed to Joseph DeLosa, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904 or via email to [joseph.delosa@state.de.us](mailto:joseph.delosa@state.de.us), with the subject line "Regulation Docket No. 56." Written comments will be accepted until Monday, April 24, 2017 pursuant to 29 **Del.C.** §10118(a).